



Environmental Management, Inc.

"For an environment we can all live with today & tomorrow."

December 7, 2000

Environmental Management, Inc.
SBC, SWBT Oklahoma, CC 00-217

FCC
Commission Secretary
Magalie Roman Salas
445 12th Street S.W.,
CY-B402
Washington D.C. 20554

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DEC 11 2000

FCC MAIL ROOM

Ref: 271 application, CC Docket No. 00-217, **Reply---- Opposition**

Subject: SWBT Oklahoma Long Distance Service Application and SBC / SWBT Continued Substandard Operational Performance with Location Discrimination.

In response to the Department of Justice's recent findings in the above referenced matter, I strongly urge the FCC to closely review SBC noncompliance with basic Federal guidelines regarding providing adequate facilities, meeting national and civil defense requirements, and use of communications in safety of life and property. In Oklahoma SWB regularly fails to comply with these Federal guidelines.

SWBT's present performance does not warrant approval of their application for long-distance service. The following is a reply to DoJ comments (12-4-00) and Oklahoma Corporation Commission's (OCC) press release "Business as Usual" comments (attached).

The following are a few examples of recent dealings with SWBT:

- The Oklahoma Corporation Commission has over looked the failure of SWBT to report outages as defined by OCC 165:55-13-52. The recent outage of 10-29-00 covered two prefixes, Cellular service and 911 PSAP for two hours in the morning. This outage was not reported until Environmental Management, Inc. (E.M.I.) requested information which forced SWBT to reported it to the OCC, yet two Oklahoma City TV stations reported the outage on the local news. (This is below FCC reporting requirements but meets OCC requirements.)

To go into detail on this matter, I spoke with Major Downs with the Guthrie Police Department (he reported the outage from outside of the Guthrie calling area) and PSAP personnel (on 10-30-00) regarding the impact of the outage on their operation. It seemed to be a repeat problem, dramatically similar to the 11-18-98 outage that was reported to the FCC. SWBT claimed to have fixed the system. E.M.I. disputed this as an incorrect fix at the wrong location (divers cable / system routing for 911). E.M.I. requested information from SWBT twice, once by Fax, with no response. After two weeks E.M.I. then contacted OCC Consumer Services Division; they stated that they did not keep records on outages. Upon further inquiry, Mr. Bill White (Consumer Services Division) said he had no information on this outage, but would contact SWBT. Mr. White called back (on 12-4-00) with a verbal report that this outage took place at 9:30 PM and Guthrie's CO (Central Office) went down due to a blown fuse. When a larger fuse was installed, the problem appeared resolved. It took two hours to locate a repairman because of the time of day, Sunday evening. However, the time period of the outage by SWBT is incorrect, it was 9:30 AM (three unrelated witnesses and two TV stations reported this on the news at 12:00 noon. (It almost becomes humorous, the 2-hour delay in repair in excused because staff could "not be located on a Sunday night" yet the outage was early in the day!)

This is a straightforward example of SWBT's failure to comply with the reporting requirements to OCC (OCC Title 165, Chapter 55-13-52). SWBT is not following SBC and national standards on telecommunications, OCC Service Quality Standard (165:55-13-20), nor the NEC (National Electrical Code) on fuse replacement standards. Is SWB hiding something with this inaccurate report or is it just service / facilities discrimination in Oklahoma, could be both?



FCC Long Dist Reply #2

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No. of Copies rec'd Post Office Box 700
List ABCDE
Guthrie OK 73044-0700
E.M.I. 405-282-8510

- What I believe to be substandard service by SWBW was recently reported to OCC in the attached letter dated 11-16-00. SWBW letter (9-29 attached) states trouble calls will only be accepted during their normal work hours (not 24/7). OCC Service Standards (165:55-13-50 (1)) states: "Provisions will be made to receive customer trouble reports at all times, twenty four hours (24) per day." SWBW service statement may have allowed for a discriminatory profit advantage in Oklahoma. SWBW has not responded to my email of 11-20 nor my 11-22-00 fax regarding the 24/7 OCC Service Standard.
- Once a week I report some SWBW cellular setting change that affects performance that was not there the prior week and goes from cell phone to cell phone (this usually occurs at night). This is certainly an indication of inconsistent quality at the very least, or possibly direct discrimination. E.M.I. has a documented history of substandard cellular service from SWBW that does not fit the guidelines of FCC outage or OCC reporting, but reduces our emergency response performance in safety of life and property.

The above should clearly show SWBT / SBC's disregard for Oklahoma (location discrimination). Pricing Discrimination reported by DoJ, would indicate a higher profit over other states and then add lower service levels (i.e., less cost) and sub-standard facilities (really less cost). What a profit advantage over other Telcos (more discrimination). How many other forms of discrimination will take place?

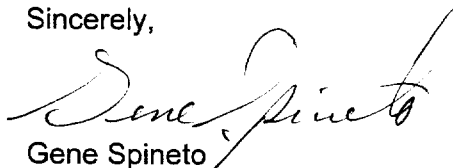
Recently five (5) other states and the FCC have complained about SBC's failure to perform. The SBC President then apologized to five state corporation commissioners about his company's substandard performance levels, and promised to pull SBC staff from other areas to correct for a lack of ability to meet necessity performance. How many other locations will be in this same situation before SBC recognizes what has to be done! How much longer will out of control situations be permitted to take place, let alone encumber additional authority and responsibility, weakening the corporation at the expense of our nation's communications system. Outside force is required to obtain reactive performance.

The DoJ Report focus on two major issues: (1) the prices at which SBC provides interconnection in Kansas and Oklahoma and (2) the sufficiency of SBC's evidence that it provides nondiscriminatory access in Kansas and Oklahoma. However, I strongly urge the FCC to closely examine these additional three topics, in which SBC is deficient:

- Substandard Facilities
- Lack of Diversity
- Performance Discrimination

I previously detailed the background of these three critical issues in my initial submittal to the FCC on November 6, 2000.

Sincerely,



Gene Spineto
Telecommunications Manager
Phone (405) 282-8510, Fax (405) 282-8533

News from the **Oklahoma Corporation Commission**

Matt Skinner, Public Information Officer

Phone: (405) 521-4180, FAX: (405) 522-1623, www.occ.state.ok.us

December 5, 2000

JUSTICE DEPARTMENT RESPONSE TO S.W. BELL FILING BUSINESS AS USUAL, SAY COMMISSIONERS

"No surprise." That basically sums up the reaction of Oklahoma Corporation Commissioners to action taken this week by the U.S. Department of Justice. The DOJ has filed a recommendation with the Federal Communications Commission, asking it to further review Southwestern Bell's application to offer interstate long distance service in Oklahoma and Kansas.

"The DOJ has taken similar actions in every other case of this kind," said Oklahoma Corporation Commission Vice-Chair Denise Bode. "It's important everyone have the time they need to review all the filings carefully and be fully educated on all the details."

Bode was in Washington, D.C. this week meeting with DOJ and FCC officials on the matter.

"SBC filed its application with the FCC on October 26 for permission to offer long distance service in Oklahoma and Kansas," explained Bode. "I have met with DOJ and FCC officials on the matter over the past few weeks, and look forward to answering any more questions and concerns the FCC might have as the application process continues."

Commission Chair Bob Anthony noted the DOJ recommendation was one step in the overall process.

"All interested parties were given the opportunity to file comments. DOJ has recommended two areas for further FCC study," Anthony said. "The next step will be an opportunity for all parties to file responses to the issues raised in the initial round of comments."

The FCC has 90 days from the October 26 date to review and act on the filing. The Oklahoma Corporation Commission endorsed SBC's long distance application on September 28.

-occ-

All OCC news releases and advisories are available for review and downloading at www.occ.state.ok.us.



Environmental Management, Inc.

"For an environment we can all live with today & tomorrow."

November 16, 2000

Oklahoma Corporation Commission
General Counsel
William Burkett
P. O. Box 52000-2000
Oklahoma City, OK 73152-2000

12-5-00
CORRECTIONAL CRP
0

Subject: SWBW Oklahoma is refusing to comply with OCC 165:55-13-52, Service Standard.

SWBW of Oklahoma is disregarding the twenty-four (24) hour service requirements of OCC 165.55-13-52 where established telecommunications service standards are defined, which ultimately support life safety issues. SWBW maintains an insufficient operating and maintenance force to meet minimum objectives and standards for restoration of service after interruption. The attached letter from SWBW (of 9/29/00) states the days and times of support, substantially less than 24 hours. However, this policy lacks substance in providing public safety and necessity in two (2) of the standards of OCC 165:55-13-52; item one (1) states: Provisions will be made to receive customer trouble reports at all times, twenty-four (24) hours per day. Item two (2) states: "Provision will be made to correct interruptions of service to persons and agencies required to respond to emergencies involving human life and safety at all times, consistent with the bona fide needs of the end-user and the availability and safety of telecommunications service provider personnel."

SWBW is fully aware of the National Security and Emergency Preparedness (NS/EP) designation E.M.I. has from the National Communications System. In part this designation is based on E.M.I.'s 1999 yearly environmental emergency response average of nine plus responses per day.

Please review this situation in light of the State code and ensure they comply with these Oklahoma State requirements. This disregard to the importance of this code by SWBW undermines the responsibilities of Police, Fire Departments and Civil Defense, to protect the public and safety of life and property mission that is a public necessity.

Sincerely,

Gene Spineto
Telecommunications Manager
Fax: (405) 282-8533





September 29, 2000

Mr. Gene Spineto
Telecommunications Manager
Environmental Management, Inc.
P.O Box 700
Guthrie, OK 73044-0700

Dear Mr. Spineto:

Thank you for taking the time to share your concerns regarding your corporate account with Southwestern Bell Wireless.

In your letter dated September 20, 2000, you requested information pertaining to the events that occurred on September 13 and 14 that prevented callers from contacting your main telephone number via their Southwestern Bell Wireless handsets.

The problem you experienced on September 13 and 14 was due to an error in a newly created database. The attached document explains the situation in detail. (Attachment A) Upon discovering the problem, Southwestern Bell Wireless took immediate measures to correct it.

In our discussions, you have referred to the FCC rule that sets forth requirements for certain carriers to give notice of service outages (47 C.F.R. Section 63.100). With regard to all the different reporting requirements in this rule, the FCC specifically states: "Satellite carriers and cellular carriers are exempt from this reporting requirement." Therefore, Southwestern Bell Wireless as a cellular carrier, is exempt from the Section 63.100 obligations.

You've also stated EMI wants to obtain priority access service from Southwestern Bell Wireless. For several reasons, Southwestern Bell Wireless does not offer priority service.



Mr. Spineto
Page 2
September 29, 2000

EMI also requests 24-hour accessibility to Southwestern Bell Wireless personnel. We are prepared to provide the following support, excluding major holidays:

Corporate Customer Service Queue Line (858-5744) M-F, 8:00 a.m. to 5:00 p.m.
Customer Care (1-800-331-0500) M-F, 7:00 a.m. to 9:00 p.m., Saturday, 9:00 a.m. to 6:00 p.m.
Account Base Manager, Sherry Morse (858-5743), M-F, 8:00 a.m. to 5:00 p.m.
Senior Account Executive, Cliff Thompson (858-5712), M-F, 8:00 a.m. to 5:00 p.m.
Sales Manager, Kim Tullis (858-5713), M-F, 8:00 a.m. to 5:00 p.m.
Regional Sales Manager, Joyce Kahoe (858-2606), M-F, 8:00 a.m. to 5:00 p.m.

Quality customer service is our primary goal at Southwestern Bell Wireless. We strive to exceed the expectations of our customers. On behalf of Southwestern Bell Wireless, we sincerely apologize for the inconvenience EMI experienced. We deeply regret that this situation occurred and hope that we can regain your confidence by providing exceptional account servicing.

We truly appreciate your continued relationship with Southwestern Bell Wireless.

Respectfully,

A handwritten signature in black ink that reads "Kim Tullis". The signature is written in a cursive, flowing style.

Kim Tullis

Environmental Management, Inc.

The "blocked" call issue that E.M.I. experienced on 9/13 – 9/14/00 was related to Local Number Portability (LNP). LNP is a FCC mandated service that provides the ability for a wireline telephone customer to retain their telephone number when switching to a competitive local telephone service provider. LNP is essentially a special automatic call-forwarding mechanism. It relies on a database of 'ported' numbers and associated ported number information to inform a call switching office how to route a ported call.

On 9/13/00 at approximately 12 Noon, queries for ported numbers for 50 prefix exchanges were moved from the SW Bell Telephone ported number database to the newly created SW Bell Wireless database. However, it was later discovered that some ported numbers in the database were incorrect. When a call was made from a mobile on the OKC SWBW system, if the dialed number was ported and it was incorrect in the SWBW database, the caller would receive an all circuits busy announcement. Not all numbers in the 50 prefixes were affected. Only those that were ported and incorrect in the database were treated with the recorded announcement, all others were routed correctly. The number in question, (405) 282-8510 was one of those affected. The problem was corrected for this particular prefix at approximately 12 Noon on 9/14/00, by restoring the query back to the SWBT database.

Bill Howell

A handwritten signature in black ink that reads "Bill Howell". The signature is written in a cursive, flowing style with a large initial "B".

Director of Network
Southwestern Bell Wireless


**Environmental Management, Inc.
P.O. Box 700
Guthrie, OK 73044-700**

**Fax Transmittal
405.282.8533**

To: Kim Tullis

Company: SWBW

Fax No: 858-5745

From: Gene Spineto  **Ph. 405-282-8510** Gspineto@emiok.com

Total number of pages including this cover page: 2

Date: 11-22-00

Time:

If pages are missing or unreadable please call 405.282.8510.

Comments: Kim, is Sherry ok. Please note follow up and item on OCC.

Sincerely, Gene

E.M.I. has the nation's largest environmental Emergency Response sub-contractor network.

Gene Spineto

From: Gene Spineto
Sent: Monday, November 20, 2000 8:24 AM
Subject: 'Smorse@okcmob.sbms.sbc.com'
Cellular billing tax credit and plan change for 5436 and 5447
Importance: High

Hi Sherry, ready for the holidays?

On the last two billings City and local tax is still being applied, I did not see the credit (\$91.55 & \$87.24).

623-5436 plan change from 1500 to 350 minute plan.
623-5447 plan change from 150 to 350 minute plan.

Details for 623-5448 still not showing up and it has \$34.55 charge with only three line items showing?
Third request for details please provide back information or give credit.

623-5442 Had incorrect flash (RIDR, I think this is correct) and was corrected on 9-28 for service, please give credit.

What information does SWBW have on the two hour cellular phone outage of 10-29-00 and what was the correction to the problem. Have also asked this of SWB for the phone lines. 911 in Guthrie was out also.

Has status on the past programming problems been received as yet?

Let Kim know I have found OCC (Oklahoma Corporation Commission) code (165:55-13-50) that may help her in obtaining 24 hour service support with her management. What is her email?

Thank you, Gene

MEMORY TRANSMISSION REPORT

TIME : 11-22-2000 09:17
TEL NUMBER1: +14052828533
NAME : ENVIRONMENTAL MANAGEMENT

FILE NUMBER : 039
DATE : 11-22 09:17
TO : 8585745
DOCUMENT PAGES : 002
START TIME : 11-22 09:17
END TIME : 11-22 09:17
SENT PAGES : 002
STATUS : OK

FILE NUMBER : 039

*** SUCCESSFUL TX NOTICE ***